

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER
vs.)	
)	
Timothy Lee Athey,)	Case No. 1:22-po-006
)	
Defendant.)	

On August 10, 2022, the United States filed an Information charging Timothy Lee Athey (“Athey”) with three Class B misdemeanors: (1) cutting and removal of trees and wood from project lands in violation of 36 C.F.R. §§ 327.14(b) and 327.25(a); (2) operating and parking a vehicle off authorized roadways in violation of 36 C.F.R. §§ 327.2(c) and 327.25(a); and (3) failing to comply with a lawful order issued by a federal employee in violation of 36 C.F.R. §§ 327.24(b) and 327.25(a). It also filed, among other things, a “Request for Summons on Filing of an Information,” a case incident report, and copies signed statements of probable cause attached to violation notices (that were dismissed without prejudice on motion by the United States).¹

Having reviewed the aforementioned case incident report and signed statements, the Court finds that there is probable cause to believe that Athey committed the offenses charged in the Information. Accordingly, Court **GRANTS** the United States’ request (Docket No. 2) and authorizes the Clerk’s office to issue a summons for Athey. See Fed. R. Crim. P. 9(a). The Court shall schedule an initial appearance and arraignment for Athey on September 12, 2022, at 11:00 AM in Bismarck (courtroom #2). A summons shall issue.

¹ Copies of the United States’ motion to dismiss the violation notices and the court’s order granting the motion are attached as Exhibits 1 and 2 to this order.

IT IS SO ORDERED.

Dated this 10th day of August, 2022.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court